

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

10 | COREY BURGESS, CASE NO. 1:12-cv-01817-GBC (PC)

11 Plaintiff, ORDER TRANSFERRING CASE TO THE  
12 v. WESTERN DISTRICT OF TENNESSEE  
13 F.B.O.P., et al,  
Defendants.

15 Plaintiff is a federal prisoner proceeding pro se pursuant to *Bivens v. Six Unknown Named Agents*  
16 of Federal Bureau of Narcotics

17 The federal venue statute requires that a civil action, other than one based on diversity  
18 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants  
19 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions  
20 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is  
21 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which  
22 the action may otherwise be brought.” 28 U.S.C. § 1331(b).

23 In this case, the claims alleged arose in Shelby County, which is in the Western District of  
24 Tennessee.<sup>1</sup> In the interest of justice, a federal court may transfer a complaint filed in the wrong district  
25 to the correct district. Therefore, Plaintiff's claim should have been filed in the United States District  
26 Court for the Western District of Tennessee. In the interest of justice, a federal court may transfer a

<sup>1</sup> Although Plaintiff includes the warden in California in his list of defendants, he makes no allegations against any defendants in California, and all of Plaintiff's allegations are against the defendants in Tennessee.

1 complaint filed in the wrong district to the correct district. *See* 28 U.S.C. § 1406(a); *Starnes v. McGuire*,  
2 512 F.2d 918, 932 (D.C. Cir. 1974).

3 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
4 District Court for the Western District of Tennessee.

5 IT IS SO ORDERED.

6 Dated: November 13, 2012

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UNITED STATES MAGISTRATE JUDGE

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